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List of issues in relation to the initial report of Serbia

Addendum

Replies of Serbia to the list of issues*

[Date received: 5 February 2016]

* The present document is being issued without formal editing.

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I. Purpose and general obligations (Articles 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/SRB/Q/1)

1. In April 2013 the Law on Amendments to the Law on Professional Rehabilitation and Employment of Persons with Disabilities was adopted.

2. A set of new media laws was adopted in August 2014, more precisely: the Law on Public Information and Media, the Law on Electronic Media and the Law on Public Media Services. These laws are harmonised with the principles and provisions of the Convention on the Rights of Persons with Disabilities.

3. In 2015, the Law on Amendments to the Law on Employment and Unemployment Insurance was adopted. Amendments to this law provide for a possibility to design new measures and programmes depending on the needs of local labour markets.

4. The process of adoption of the Law on Amendments to the Law on Prohibition of Discrimination is underway and its purpose is full harmonisation of the regulation with the EU directives in the area of prohibition of discrimination.

5. Adoption of the Amendments to the Law on Social Protection, Family Law and Law on Financial Support to Families with Children is expected in the near future.

Reply to the issues raised in paragraph 2 of the list of issues

6. Organisations of persons with disabilities are a special segment of the third sector in the Republic of Serbia and their main aim is to provide assistance and support to their members in exercising their legal rights, as well as psychosocial support, through implementation of programmes. On the other hand, these organisations initiate activities towards institutionalised cooperation in the civil sector, and thus a network of organisations of persons with disabilities is formed, with the National Organisation of Persons with Disabilities of Serbia as the umbrella organisation. This organisation contributes to a more concrete and focused cooperation of the civil sector and the state.

7. The cooperation between the Ministry of Labour, Employment, Veteran and Social Policy and organisations of persons with disabilities is twofold: 1. Cooperation in the area of normative activities, directed toward adoption of legal and strategic documents contributing to inclusion of persons with disabilities, monitoring implementation of laws and regulations, as well as equal participation of representatives of civil society organisations in bodies established by the Government; 2. Financial support to associations which implement programmes for the purpose of protecting the rights and improving the status of persons with disabilities.

8. Furthermore, the Ministry of Labour, Employment, Veteran and Social Policy and the National Employment Service maintain continuous cooperation with associations of employers, representatives of labour unions, associations and organisations of persons with disabilities and companies for professional rehabilitation and employment of persons with disabilities, with the aim of informing wider audience of the importance and justifiability of employing persons with disabilities and removing obstacles which hamper increase in the employment rate of this category of job seekers.

9. The Ministry of Health has actively supported associations of citizens dealing with the rights of persons with disabilities, both directly from the budget and through funding the Red Cross programme "Assistance and Support to Children and Persons with Disabilities". Additional attention is paid to especially vulnerable groups, and so the Red Cross specifically defined its target group – children and young persons with developmental

impairments and disabilities aged 6 to 18 and young persons with developmental impairments and disabilities aged 18 and above and their parents.

10. One of the programmes carried out by the Red Cross of Serbia, directed toward the especially vulnerable group of children and young people with developmental impairments and disabilities, is the Joint Programme for Inclusion of Roma Children and Children from Vulnerable Groups, implemented continually since 2003 in cooperation with the Swiss Agency for Development and Cooperation. The main activities with children and young persons with developmental impairments and disabilities are implemented with the aim of: stimulating social development and inclusion; acquiring practical living skills; improving job seeking skills; improving the skills necessary for education; stimulating intellectual development, stimulating perception and fine motor skills; support to parents.

II. Special rights

Equality and non-discrimination (Article 5)

Reply to the issues raised in paragraph 3 of the list of issues

11. The principle of equality and prohibition of discrimination is guaranteed by the Constitution of the Republic of Serbia (Article 21). The Law on Prevention of Discrimination against Persons with Disabilities (2006) is the first comprehensive anti-discriminatory regulation in the country, which in an encompassing way defines the notion of discrimination against persons with disabilities, special forms of discrimination, as well as specific cases of discrimination against persons with disabilities in certain sectors of organised social life. Pursuant to Article 3, paragraph 2 of the Law, the terms "discrimination" and "discriminatory treatment" mean any unwarranted distinction or unequal treatment, that is to say, omission (exclusion, limitation or preferential treatment) in relation to individuals or groups, as well as members of their families or persons close to them, be it overt or covert, on the grounds of disability or reasons related to disability. The Law on Prohibition of Discrimination (2009) is a general law which contains mechanisms for protection against discrimination harmonised with the highest European standards in the area. Article 26 of the Law prescribes discrimination of persons with disabilities as a special form of discrimination.

Judicial protection in a lawsuit for discrimination

12. A discriminated person is entitled to protection from discrimination; however, he is not obliged to seek this protection by himself, but the Commissioner for the Protection of Equality and the organisation dealing with protection of human rights or the rights of a group of persons that the discriminated person belongs to may also file a lawsuit.

13. There are several lawsuits for discrimination available and in addition to a LAWSUIT requesting final protection, temporary protection may be required as well by a LAWSUIT FOR NON-ACTION, which is provided by way of a temporary measure before the proceeding is over and whose aim is to prevent possible discrimination from happening (preventive protection), but there is also protection from discrimination that already did happen, which is required by means of a LAWSUIT FOR RECTIFYING DISCRIMINATION, a LAWSUIT FOR ESTABLISHING OF DISCRIMINATION, and a LAWSUIT FOR REPARATION OF DAMAGE (reactive protection). In addition to these basic forms of protection, there are also forms of additional protection – issuing of a court penalty and disclosure of a verdict.

14. When filing a lawsuit, it is necessary for a discrimination victim (or another authorised person) to make a court deem it probable that a distinction was made to the damage of the plaintiff in comparison to other persons because of his personal characteristic. It is supposed that simultaneously the principle of equal rights and obligations was also violated, and the burden of providing evidence that no violation of this principle has occurred shall fall on the defendant. The discriminated person is not obliged to prove that he has legal interest for protection, nor does he have to state why he requests protection.

The right to work and active employment policy measures

15. The National Employment Service and the ministry in charge of employment carry out the active employment policy measures for persons with disabilities.

16. Encouraging employment of persons with disabilities is conducted through granting subsidies for self-employment, subsidies to employers for creating new working positions, subsidies for salaries of persons with disabilities with no work experience employed on a permanent contract, public works and other measures of active employment policy.

The number of unemployed persons with disabilities from the register of the National Employment Service

The number of unemployed persons with disabilities from the register of the National Employment Service	*2012*	*Women*	*2013*	*Women*	*2014*	*Women*
	20,666	6,818	20,627	6,774	20,780	6,981

Source: National Employment Service.

Programmes and measures of active employment policy for persons with disabilities

Programmes and measures of active employment policy for persons with disabilities	*2012*	*2013*	*2014*
1. Measures and activities of professional rehabilitation	4,294	3,617	4,420
2. Programmes for encouraging employment of persons with disabilities and measures for support	2,645	1,949	1,797
Assessment of work ability and potential for employment or keeping a job	5,732	4,194	4,270

Source: National Employment Service.

Data on employment of persons with disabilities from the register of the National Employment Service

Total number of employed persons with disabilities from the register of the National Employment Service	*2012*	*Women*	*2013*	*Women*	*2014*	*Women*
	3,683	1,298	3,914	1,434	4,132	1,541

Source: National Employment Service.

17. The active employment policy measures implemented by the ministry in charge of employment include provision of operational, professional and financial aid to companies for professional rehabilitation and employment of persons with disabilities.

18. In line with the established regulations, the incentive measures provide for support in professional rehabilitation, employment and remaining employed of persons with

disabilities under general and specific conditions in companies for professional rehabilitation and employment of persons with disabilities as special forms of employment of this category of unemployed persons: subsidies for salaries of persons with disabilities; improvement of working conditions, improvement of manufacturing programmes, setting standards, improvement of quality of products and delivered services, adjustment of work places; subsidies for salaries of employed/hired professionals for job skills training and professional rehabilitation of persons with disabilities (since 2012); reimbursement of transportation costs for employed persons with disabilities and professionals (since 2012). Up to August 2015, the total of 50 companies for professional rehabilitation and employment of persons with disabilities got the permission to operate issued by the ministry in charge of employment.

19. For the purpose of eliminating prejudices about the actual capabilities and working potential of persons with disabilities, reduction in the number of unemployed persons with disabilities and prevention of firing currently employed persons with disabilities, the obligation to employ this category of persons was introduced. This obligation has been fulfilled since 23 May 2010. According to the latest data of the Tax Administration, relevant for the period January — December 2014, the obligation to employ persons with disabilities is fulfilled in the following way: fulfilment of the obligation by employing persons with disabilities — in average about 15,280 persons with disabilities a month; fulfilment of the obligation by contributing to the Budget Fund (50% of average salary) — for approximately 6,700 persons with disabilities a month, in the average amount of about RSD 215,000,000.00 a month; fulfilment of the obligation by execution of contracts with companies for professional rehabilitation — in average about 270 contracts a year, in the average monthly amount of RSD 390,000,000.00.

Women with disabilities (Article 6)

Reply to the issues raised in paragraph 4 of the list of issues

20. Chapter 18 of the Criminal Code regulates offences against gender freedom. Within this chapter, all forms of forbidden sexual acts regardless of the gender of the victim are incriminated. The crime of *Sexual Intercourse with a Helpless Person* (Article 179) incriminates sexual intercourse or an equal act committed by taking advantage of such person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which the person is incapable of resistance. The object of protection is sexual freedom of a helpless person, any person including women and girls. Such a person is incapable of resistance to sexual intercourse or an equal act due to a mental illness, mental retardation or other mental disorder, disability or some other severe condition. The range of criminal sanction for this offence is from two to ten years of imprisonment. This criminal offence extends to two types of aggravated offence 1) If the helpless person suffers serious bodily harm due to the offence, or the offence has been committed by several persons or in a particularly cruel or humiliating manner, or against a juvenile or if the act resulted in pregnancy, the perpetrator shall be punished with imprisonment of five to fifteen years; 2) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment of at least ten years.

Reply to the issues raised in paragraph 5 of the list of issues

21. By adoption of the National Strategy for Improving the Position of Women and Promoting Gender Equality (2010-2015), the Republic of Serbia committed itself to conducting a harmonised policy for the purpose of integrating gender equality in all areas of activities of institutions in the system. Most has been achieved related to the

improvement of gender-sensitive statistics. In cooperation with the European Institute for Gender Equality, the process of forming the Gender Equality Index is currently underway and it is supposed to be a measuring instrument for establishing the position of men and women and gender equality in the Republic of Serbia.

22. The Republic of Serbia has established gender equality mechanisms on all levels of the government: legislative, executive, as well as independent supervisory mechanisms on the national, provincial and local level. Despite insufficient coordination, these stakeholders have contributed to establishing of a normative and political framework for gender equality, including in the area of violence against women. On the national level the following bodies were formed: the Committee on Human and Minority Rights and Gender Equality as a standing working body of the National Assembly (2003), Gender Equality Council (2004) and Coordination Body for Gender Equality (2014). On the level of the Autonomous Province of Vojvodina the following bodies were established: the Committee on Gender Equality of the Assembly of the Autonomous Province of Vojvodina, Provincial Secretariat for Economy, Employment and Gender Equality, Gender Equality Council and Office for Gender Equality. Within the institution of the Provincial Protector of Citizens — Ombudsman, a Gender Equality Deputy Ombudsman exists. An increase in the number of gender equality mechanisms on the local level is significant. Gender equality is also the remit of independent national human rights bodies, the Ombudsman and the Commissioner for the Protection of Equality.

23. Discrimination of persons on grounds of two or more personal traits (multiple or intersecting discrimination) is defined in the Law on the Prohibition of Discrimination as a severe form of discrimination since negative effects it has are much bigger.

24. The Strategy on Prevention of and Protection against Discrimination (2013) is the first strategic document which envisages measures for protection of nine vulnerable social groups, including persons with disabilities. The National Employment Strategy for the period 2011-2020 includes persons with disabilities among the especially sensitive social groups in the labour market.

Children with disabilities (Article 7)

Reply to the issues raised in paragraph 6 of the list of issues

25. The Law on Social Protection established the following services in the community intended for children with disabilities and their families:

- Daily services: day care, home assistance, drop-in centre and other services supporting clients' stay in the family and immediate environment. These services are delivered on the local level and their basic purpose is support in exercising of the rights and needs of their beneficiaries for acquisition of as high as possible level of independence, with the aim of improving the quality of life and better social inclusion.
    - Day care is a form of service whose aim is improvement of the quality of life of its beneficiaries in their own social surroundings, through maintenance and development of social, psychological and physical functions and skills, so as to enable them for independent living to the biggest extent possible.
    - Home assistance is a service intended for children, adults and the elderly who have restricted physical and psychical capabilities due to which they are not able to live independently in their homes without regularly provided help in daily activities, care and supervision.

- Services supporting independent living include: supported housing, personal assistance, training for independent living and other types of support necessary for a beneficiary's active participation in the community.

  - Supported housing – this service provides for accommodation of no more than six beneficiaries in one residential unit, with constant support to ensure everyday functioning.

  - Personal assistance means providing appropriate individual practical support which a beneficiary needs to satisfy personal needs and be included in educational, working and social activities in the community, for the purpose of achieving the highest possible level of independence.

- Counselling and therapy and socio-educational services:

  - Counselling and therapy and socio-educational services are intensive services of support to a family in crisis situation, counselling and support for parents, foster carers and adopters, support to a family taking care of their own child or adult family member with disabilities, maintaining family relations and family reunion, counselling and support in cases of violence, family therapy, mediation, SOS phone lines, activation and other counselling and educational services and activities.

  - Social welfare institutions and civil society organisations are providers of services of social protection in the Republic of Serbia. To ensure quality in provision of services, the ministry in charge of social protection issues has introduced an obligation to attend accredited training programmes for professionals in the social welfare system. Data on the accredited programmes are available to all interested parties on the web page of the Republic Institute for Social Protection.

Reply to the issues raised in paragraph 7 of the list of issues

26. The Ministry of Labour, Employment, Veteran and Social Policy developed in 2009 a Comprehensive Plan for Transformation of Residential Institutions for Children (2009-2013), the so-called Master Plan, on the national level, as well as specific operational plans for transformation of institutions for children. The central issue of the Plan for Transformation is the children accommodated in social welfare institutions. These include children in institutions for children with disabilities, institutions for children without parental care and institutes for education of children and youth. The Plan for Transformation deals with both exit from and entry in these institutions. The aim of the Plan was to reduce the number of children on a long-term accommodation by accelerating the exit from and decelerating (or stopping) the entry in the institutions.

27. The Plan proposed a ban on entry in these institutions of children aged 0-3. The three main directions of transformation suggested in this document are: 1. Closure of a certain number of the institutions and units; 2. Reduction of the existing capacities; 3. Transformation of the institutions into other functional centres.

28. In comparison to the period when the Plan was adopted, significant decrease of the capacities of residential institutions for accommodation of children and young people has been achieved, with an increase in the number of small dormitory communities for temporary and occasional accommodation of children, with a constant development of services supporting retention of children in family surroundings. Foster care has become more prominent than accommodation in institutions.

29. In 2014 a total of RSD 55 million (half a million Euros approximately) was allocated from the budget of the Republic of Serbia for investing in social welfare

institutions for accommodation of children. Adoption of the Amendments to the Law on Social Protection, Family Law and Law on Financial Support to Families with Children is expected in the near future.

Awareness-raising (Article 8)

Reply to the issues raised in paragraph 8 of the list of issues

30. In the area of public information of persons with disabilities, projects are co-financed whose aim is informing of persons with disabilities, as well as programme contents whose aim is informing of wider audience about persons with disabilities, for the purpose of general sensitization and integration. Most of these projects are prepared in cooperation with persons with disabilities. For the purpose of raising awareness, the Ministry of Culture and Information financed training of local and independent media on professional reporting about the life and rights of persons with disabilities, in the amount of RSD 916,400.00.

Accessibility (Article 9)

Reply to the issues raised in paragraph 9 of the list of issues

31. Projects in the area of contemporary creativity and informing of persons with disabilities are supported through a competition procedure. Criteria for providing assistance are laid down in the Rulebook on the manner, criteria and standards for selection of projects in culture funded and co-funded from the budget of the Republic of Serbia and the Rulebook on co-financing projects for exercising public interest in the area of public information in the area of information.

32. The Sector for Contemporary Creativity of the Ministry of Culture and Information is working on achieving three primary aims: 1. increased availability of cultural content to wider audiences; 2. strengthening the capacities of organisations of persons with disabilities; 3. integrating cultural activities of persons with disabilities in the cultural scene of the Republic of Serbia;

33. In 2015, the funds at the disposal of the Sector for Contemporary Creativity of Persons with Disabilities amounted to RSD 5,000,000.00 (the amount of RSD 5,208,305.00 was allocated); In addition to the specialised competition, funds are also given within the scope of certain areas of creative work, and thus, for instance, the project *Bosifest* was co-financed by RSD 500,000.00 in the area of cinematography and audio-visual creativity.

34. The Ministry of Culture and Information co-finances production of media content in the area of public information for the purpose of protection of interests of persons with disabilities, provision of their equal right to freedom of thought and expression, provision of undisturbed acquisition of information intended to the public in a suitable form (audio description of movies on television, sign language interpreter of informative programmes in several local TV stations, audio magazines, magazines in Braille) and implementation of appropriate technology. In 2015 the Ministry financed and participated in the International conference "Role of ICT in the development of an inclusive society for persons with disabilities". The aim of the Conference is inclusion of information and communication technologies in provision of an adequate manner of solving the problem of accessibility of institutions and public sector services to persons with disabilities.

35. In the area of information for persons with disabilities in 2015, the total of RSD 10,700,000.00 was allocated.

36. The area of accessibility of public areas is regulated by the Rulebook on Technical Standards of Accessibility, whose provisions refer to new facilities and facilities in the process of reconstruction. The Rulebook deals in detail with all essential elements of accessibility.

37. Since 2015 the building accommodating the Ministry of Culture and Information has been physically accessible for users of wheelchairs. Health institutions are obliged to create surroundings free of obstacles, and thus access ramps and access for persons with disabilities have been built for this purpose.

38. The Ministry of Interior ensures priority solving of the status issues and a facilitated access to personal documents for persons with various forms of disability. Furthermore, technical and organisational conditions have been met for receiving a request and issuing an identity card outside the offices of the Ministry of Interior when a person, due to justifiable reasons such as illness, age, invalidity and other reasons, is unable to access the offices of a police directorate or station.

Reply to the issues raised in paragraph 10 of the list of issues

39. In March 2015 the Guide Dog Assistance Law was adopted and it regulates the right to walk with the help of a guide dog, using of public transport, public facilities, free access and stay in public areas and work place, as well as other issues important for walking with a guide dog. In October 2015, the Ministry of Health adopted a Rulebook on the Conditions and Manner of Using Public Facilities in the Area of Health Protection by Persons with Guide Dogs.

40. In April 2015 the Law on the Use of Sign Language was adopted, regulating the right of deaf persons to use sign language in procedures before the state authorities and stipulating the misdemeanours for violation of the obligations stemming from this law.

41. The Ministry of Labour, Employment, Veteran and Social Policy continually finances work of 44 offices for sign language interpreters, by developing a partnership relation with associations of deaf and hard-of-hearing persons throughout the country. Further, this ministry has financially supported introduction of a new service intended for the deaf and hard-of-hearing, "Telecentar", envisaged as an audio-visual service of a sign language interpreter.

Right to Life (Article 10)

Reply to the issues raised in paragraph 11 of the list of issues

42. The aim of any institutionalisation of beneficiaries within the network of social welfare institutions in the Republic of Serbia is the creation of safe surroundings and focusing on the activities which contribute to preservation of potentials and their improvement through rehabilitation and resocialisation measures.

43. Each social welfare institution has an internal regulation – *Rulebook on Internal Organisation, Job Classification, Description and Listing of Jobs*, which defines the number of employees, organisational structure (which means the existence of various services), exact description of jobs and a matrix of vertical and horizontal responsibility.

44. All common areas and hallways, as well as the exterior, are covered by video surveillance, except for dormitories. The risk of occurrence of unwanted incidents in dormitories is prevented by visiting these rooms, especially during the night shift.

45. Professional staff and the staff working directly with an institution beneficiaries keep logbooks, and the night shift staff keep "duties and responsibilities handover and

acceptance book", in which they record all events happening during the night shift, including distribution of medications, but also the states of uneasiness and potential conflicts between the beneficiaries, as well as the way these conflicts were solved. There is a *Special Protocol on Protection of Children from Abuse and Neglect in Social Welfare Institutions*, whose implementation is obligatory in all such institutions and which clearly defines the actions and the role of internal and external teams.

46. *A Protocol on Actions in Incident Situations* envisages the measures to be taken in the institution, activities directed toward the system of health protection, police, prosecution, as well as the obligation of urgent informing of the relevant ministry.

47. Measures of keeping record on cases of violence have been in use for the last six years in institutions for accommodating adult and elderly beneficiaries.

48. Institutions have obligatory procedures for beneficiaries' complaints, defined obligatory procedures for implementation of restrictive activities and measures toward beneficiaries, as well as established internal teams in charge of reacting in cases of violence against beneficiaries.

49. The Ministry of Labour, Employment, Veteran and Social Policy, with the aim of controlling and improving the system, carries out professional surveillance and inspection supervision, while the Social Protection Institutes (provincial and republic) also provide supervision support for the purpose of adopting new and modern concepts and help in solving concrete, professionally demanding situations a social welfare institution can face.

50. One of the measures for preventing conflict situations is structuring of beneficiaries' free time through creative work managed by trained professionals according to an established programme.

51. In case of fleeing (disappearance) of a beneficiary, a written notice is sent to the Ministry of Interior, referring authority and the beneficiary's family. If a beneficiary who has run away suffers a serious bodily injury or death while away, or if such a beneficiary inflicts a serious bodily injury to another person or commits another offence, a disciplinary procedure against the staff member who failed to follow the procedure, which may result in termination of employment relationship, and a procedure for establishing criminal responsibility are initiated. This is also the case in situations when an employee working with or linked to working with beneficiaries does something causing a serious bodily injury or death of a beneficiary, or if he fails to perform his obligation, thus causing injury or death of a beneficiary.

52. In institutions for accommodation of beneficiaries, a *Rulebook on Security and Safety* is adopted, which regulates the issues regarding organisation of physical and technical security and fire protection (security plan, obligations, tasks, authorisations and responsibilities of the workers and bodies in the area).

Situations of risk and humanitarian emergencies (Article 11)

Reply to the issues raised in paragraph 12 of the list of issues

53. Local self-governments units, via local media, headquarters for emergency situations and civil protection commissioner, deliver information of importance in risky situations, humanitarian emergencies, natural and other disasters.

54. When an emergency situation is announced, with a Plan for Protection and Rescue and a Plan for Evacuation, local self-government units, within their remit, inform the citizens of the existing situation in the territory, which ensures that necessary information is available to persons with disabilities as well.

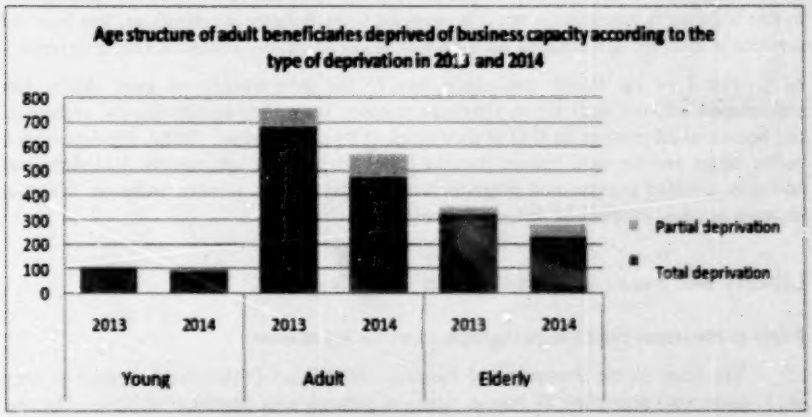
55. Participation of persons with disabilities and their organisations is not planned in a specific way in the legislation governing the area of emergency situations.

56. The Law on Emergency Situations envisages usage of public and residential shelters for citizens who happen to be in their immediate proximity at the time of need. These shelters are facilities built during 1970s, mainly accessible by means of a staircase, without additional access for persons with disabilities, since at the time of their building there was no obligation to provide for such access according to the standards. The Public Shelter Company manages public and residential shelters.

Equal recognition before the law (Article 12)

Reply to the issues raised in paragraph 13 of the list of issues

57. The total number of adult beneficiaries deprived of business capacity in 2014 was 10,590. Only 5.7% or 608 beneficiaries were partially deprived of business capacity.



58. The procedure of reviewing business capacity in line with new provisions of the *Law on Non-Contentious Proceeding* (reconsidering the solutions on deprivation of business capacity for maximum three years) was initiated for 85 wards.

59. Amendments to the Family Law, expected to be adopted in near future, envisage that the court decision on deprivation of business capacity shall establish legal operations which a person deprived of business capacity may undertake independently. The court will be obliged to check and reconsider the decision on deprivation of business capacity within the established timeframe.

Access to justice (Article 13)

Reply to the issues raised in paragraph 14 of the list of issues

60. The Law on Prevention of Discrimination against Persons with Disabilities captures proceedings before the state authorities.

61. Article 87 of the Criminal Procedure Code stipulates that if a defendant is deaf, he will be questioned in writing, if the defendant is mute, he will be invited to reply in writing and if he is blind, the contents of written evidence will be presented to him orally. If the interrogation cannot be conducted in this manner, a person capable of communicating with

the defendant will be invited to serve as an interpreter. The same rules are in force as regards interrogating of witnesses. According to Article 74 of the Criminal Procedure Code, mandatory defence is obligatory: "The defendant must have a defence counsel: 1) if he is mute, deaf, blind or incapable to conduct his own defence successfully – from the first interrogation until the final conclusion of the criminal proceedings". Article 96 of the Criminal Procedure Code stipulates that witnesses take the oath orally, by reading its text, or by giving an affirmative reply after being read out the text by the authority conducting proceedings. Mute witnesses able to read and write sign the text of the oath, and deaf, blind or mute witnesses who are illiterate are sworn in with the help of an interpreter.

62. The Law on Civil Procedure stipulates in its Article 95 that parties and other participants to the proceedings who are blind, deaf or mute are entitled to the free of charge interpreter in the proceedings before the court. According to Article 256 of the Law, if a witness is deaf, questions shall be asked in writing, and if a witness is mute he or she shall be invited to reply in writing. If it is not possible to conduct the hearing in this manner, the court shall summon an interpreter.

63. Although the Law on Free Legal Aid has not been adopted yet, an informal system of free legal aid is functional, since it is provided by civil sector organisations, free legal aid services in local self-government units, as well as social welfare centres within their remit.

64. The Law on Police prescribes that in the performance of their duties law enforcement officers shall act in a humane manner, respecting human dignity, reputation and honour of all persons, as well as their other rights and freedoms. It also stipulates that a police baton may be used against persons under 14 years of age, visibly ill, infirm, and seriously disabled persons and pregnant women only if such persons endanger life with firearms or other weapons or dangerous implements.

Liberty and Security of the Person (Article 14)

Reply to the issues raised in paragraph 15 of the list of issues

65. The Law on the Protection of Persons with Mental Disabilities, adopted in May 2013, guarantees protection of human rights of persons with mental disabilities. The law stipulates that a person with mental disabilities may be voluntarily placed and, under special conditions, detained or placed in a psychiatric institution without his consent. A person with mental disabilities for whom a doctor or psychiatrist assesses that, due to mental issues, seriously and directly jeopardises his life or health or safety, or the life, health or safety of other persons, may be placed in a psychiatric institution without his consent only if no other less restrictive manners of providing health protection are available. The procedure of detaining a person with mental disabilities without that person's consent is also performed when such a person is already voluntarily placed in a psychiatric institution, but afterwards revokes such consent, if in the meantime health reasons requiring detention without consent occur. The procedure of detaining without consent and accommodating without consent of a person with mental disabilities may be initiated by members of such person's close family, custodial authority, employer and medical staff, by notifying the ministry in charge of internal affairs and urgent medical assistance of harmful behaviour of such person. The court authorised for the area where the headquarters of the psychiatric institution in which a person with mental disabilities is involuntarily detained is located shall decide on the involuntary detention of that person in the psychiatric institution. The court is obliged to establish in its decision on involuntary detention of a person with mental disabilities the duration of involuntary detention, which cannot be more than 30 days starting from the day a psychiatrist made a decision on detention of a person with mental disabilities without that person's consent.

Freedom from exploitation, violence and abuse (Article 16)

Reply to the issues raised in paragraph 16 of the list of issues

66. The *Rulebook on Forbidden Actions of the Employees in Social Protection* stipulates that an employee in a social welfare institution or a provider of services of social protection is not allowed to use any form of violence against a beneficiary, physical, emotional and sexual violence, abuse of a beneficiary, abuse of trust or power the employee has over a beneficiary, neglect of a beneficiary and other actions which harm the health, dignity and development of a beneficiary, as laid down in the Rulebook. This document stresses the *special status of a child* as a beneficiary of services and a need for protection of a child in the process of using the services. Reporting obligation is specifically defined, as well as checks of safety of other beneficiaries, in case violence occurs in facilities for accommodation of beneficiaries or other providers of services.

67. In order to ensure transparency during the supervision of the performance of residential facilities for persons with disabilities and independent monitoring, the then Ministry of Labour, Employment and Social Policy concluded in June 2011 a Memorandum of Cooperation with an organisation of civil society called "Mental Disability Rights Initiative Serbia" with the aim of implementing the Monitoring of Institutions During Social Welfare Reforms Project.

68. Article 18 of the *Rulebook on the Conditions and Standards for the Provision of Social Protection Services (2013)* says that restrictive actions and measures toward beneficiaries whose behaviour jeopardises themselves, other beneficiaries, staff, visitors or property are implemented exclusively based on interventions which are planned, monitored, supervised and restricted in terms of duration. As regards restriction of movement, isolation and control of behaviour of beneficiaries, the services provider is obliged to set procedures, appoint a responsible person for approving implementation of restrictive actions and measures and keep records of their implementation.

69. The Ministry of Labour, Employment, Veteran and Social Policy has formed a working group with the task to make a draft Law on Amendments to the Family Law which will contain explicit prohibition of physical punishment of minors and use of physical force as a tool for correcting behaviour. It should be noted that physical punishing of children is forbidden in all other surroundings as well, educational institutions, health and social welfare institutions, in line with laws governing these area, adopted earlier.

Protecting the integrity of the person (Article 17)

Reply to the issues raised in paragraph 17 of the list of issues

70. The Law on Patients' Rights was adopted in 2013. Provisions of Articles 15-19 regulate the protection of the integrity of patients. Article 19, paragraph 3 stipulates that the authorised health professional who believes that a patient's legal representative is not acting to the best interest of a child or person deprived of business capacity shall immediately inform the relevant custodial authority thereof.

Living independently and being included in the community (Article 19)

Reply to the issues raised in paragraph 18 of the list of issues

71. The Republic of Serbia has achieved significant reduction of the capacities of residential institutions for accommodation of children and young people, accompanied with an increase in the number of small dormitory communities for temporary and occasional accommodation of children, and with a constant development of services which support the staying of children in family surroundings. The number of children in foster families grew

from approximately 1,800 in 2002 to 6,268 in September 2015. Foster care has become more prominent than accommodation in institutions. According to the latest data, 642 children up to the age of 18 are still accommodated in residential institutions for children, including children with disabilities. There are not enough families for specialised foster care yet which would accept children with disabilities, despite the allowances which are not small.

72. Six centers for foster care and adoption have been, so far, established in the Republic of Serbia to: carry out preparation, assessment and training of the future foster and adoptive parents; provide support to foster parents or families who provide a service to family care and adoptive parents; report to center for social work on the work and functioning of the foster families and functioning of the families that provide family accommodation and propose measures to eliminate potential omissions; perform other tasks in accordance with the Law on Social Protection and other regulations.

73. Social welfare institutions for accommodation of disabled persons are currently working on their individual plans of transformation within which the capacity of supported housing and home help services will be developed. The goal is to involve as many users of accommodation services in using the new services to help them and support them for independent living. After it has been prepared the draft plan of transformation of institutions, shall be forwarded to the founders for the adoption, and only then on the basis of the adopted plans, the Ministry of Labor, Employment, and Social Affairs will prepare a new comprehensive plan for transformation of institutions of social protection.

74. There are 15 state-founded residential institutions for accommodation of adults with disabilities. In the last five years there have not been significant deviations in the number of beneficiaries accommodated in residential institutions for adults with disabilities.

Persons with disabilities in the records of social welfare centres for 2014, according to their age and gender

Age	*Male*	*Female*	***Total***
Children	5,726	4,138	**9,864**
Young	3,044	2,396	**5,440**
Adults	17,124	14,913	**32,037**
Elderly	9,211	14,855	**24,066**
Total	**35,106**	**36,301**	**71,407**

Source: Republic Institute for Social Protection.

The total number of persons with disabilities in the records of social welfare centres for 2014, according to the type of disability and age

	Age structure				
Type of disability	*Children*	*Young*	*Adults*	*Elderly*	***Total***
Physical	3,340	1,457	11,713	12,257	**28,765**
Intellectual	2,061	1,822	7,271	2,596	**13,750**
Mental	1,133	844	8,934	4,799	**15,710**
Sensory	696	390	1,930	1,683	**4,699**
Pervasive developmental disorders, ...	503	130	167	51	**851**
Multiple	2,128	809	2,016	2,681	**7,636**
Total	**9,861**	**5,452**	**32,031**	**24,067**	**71,411**

Source: Republic Institute for Social Protection.

The number of beneficiaries referred in social welfare centres to use services of support for independent living

	Age of beneficiary				
Type of service	*Children and young people*	*Adults*	*Elderly*	***Total 2014***	***Total 2013***
Assisted living for young people who are becoming independent	73	9	0	**82**	**70**
Assisted living for persons with disabilities	4	8	3	**15**	**4**
Personal assistance	144	46	26	**216**	**74**
Other types of support necessary for an active participation of beneficiaries in the society	57	125	23	**205**	**28**
Total	**278**	**188**	**52**	**518**	**489**

Source: Republic Institute for Social Protection.

75. In 2014 the total of 518 beneficiaries were referred to using services of support for independent living. The majority of beneficiaries (40%) were directed to use the service of personal assistance. Services of assisted living and personal assistance are dominantly used by children and young people, while the majority of adults are directed to use "other types of support necessary for an active participation of beneficiaries in the society".

The number of beneficiaries and capacity of institutions for adults and elderly with physical, intellectual and mental disabilities in the Republic of Serbia in the period 2012-2014

Year	*Capacity*	*Total number of beneficiaries*	*New beneficiaries*	*Number of beneficiaries on 31 December*	*Occupancy rate on 31 December*
2012	4,390	4,552	265	4,229	96%
2013	4,254	4,535	283	4,226	99%
2014	4,339	4,453	250	4,160	96%

76. The data show that the capacities of these institutions were mainly full in the previous years (96% and more), and that there is no tendency for reduction in the number of beneficiaries. According to the gender of beneficiaries, in 2014 there were slightly more male than female ones, whereas according to their age, as expected, the prevailing in number are adults (81%) and 13.9% are beneficiaries older than 65.

77. The data show that almost a half of the total number of beneficiaries in 2014 (44%) have mental, 29% intellectual and 20% multiple disabilities. Physical and sensory disability is present in 6% and pervasive developmental disorder in 1% of beneficiaries. The process of transformation and deinstitutionalisation encourages institutions to develop other types of services in a local community, intended for their main target group or other vulnerable groups.

Other services provided by institutions – 2014

Services	*Number of institutions*	*Capacity*	*Total number of beneficiaries*	*Number of beneficiaries on 31.12.2014*
Shelter (including reception centre)	1	12	17	4
Assisted living	5	68	54	50
Day care	1	9	9	9
Home assistance	1	15	24	13

Source: Republic Institute for Social Protection.

78. Bearing in mind that in the previous years the focus was on the process on deinstitutionalisation in social protection of adults, it is justifiable to expect that in the future positive changes in this complex process will start to show.

Adult persons with disability in facilities in 2014

Type of accommodation	*Young*	*Adults*	*Elderly*	*Total number of accommodated persons*	*Total number in 2014*
Accommodation in shelter/ reception centre	38	16	118	172	57
Accommodation in custodial kinship family	157	45	403	605	244
Accommodation in foster (kinship or other) family	613	131	221	965	112
Accommodation in institution of social protection	435	435	3,639	4,509	2,793
Other type of accommodation	92	49	293	434	221
Total	**1,335**	**676**	**4,674**	**6,685**	**3,427**

Source: Republic Institute for Social Protection.

Personal mobility (Article 20)

Reply to the issues raised in paragraph 19 of the list of issues

79. In April 2015 the Law on the Use of Sign Language was adopted and it regulates the exercising of the rights of deaf persons to use sign language in proceedings before the state authorities, in the area of employment relations, education, health protection, social protection, information and telecommunication, acquisition of the status of a sign language interpreter, measures for improvement of the use of sign language, as well as misdemeanours for violation of obligations stipulated by this law.

80. The Law on Traffic Safety and the Rulebook on Driving Licenses are harmonised with the EU directive on driving licenses.[1] These regulations provide for issuance of driving licenses to persons with disabilities after taking the driving test, with entering in the license

[1] Directive 2006/126/EC.

the code indicating the health restriction, depending on the finding and opinion of a doctor stated in the certificate on medical fitness of the driver.

Education (Article 24)

Reply to the issues raised in paragraph 20 of the list of issues

81. In line with the Strategy for Development of Education in Serbia until 2020 and the Law on the Foundations of Education, main principles for achieving fair education have been defined. According to Article 3, paragraph 3 of the Law, special attention is paid to (1) opportunities for children, students and adults with developmental impairments and disabilities, regardless of their financial status, to gain access to all levels of education in institutions, and for persons living in social welfare institutions, sick children, students and adults, to exercise their right to education while in an institution, hospital or receiving treatment at home; (2) reduction of the dropout rate, especially of persons from socially jeopardised categories and undeveloped areas, persons with developmental impairments and disabilities and other persons with specific difficulties in learning and support for their reinclusion in the educational system according to the principles of inclusive education. In the area of education, the undertaken systemic measures include:

- The Rulebook on the Conditions for Establishing Priorities for Enrolment of Children in Preschool Institutions envisages that children from vulnerable groups have priority when being enrolled in preschool institutions and the right to the reimbursed cost of these services.
- Obligatory preparatory preschool programme has been introduced, free for children and funded from the state budget, through which all children, especially Roma and children from other sensitive groups (children with disabilities, developmental impairments, etc.) gain experience and have an opportunity to play, learn and participate in joint activities, so as to reduce the level of differences which are the result of social deprivation. Enrolment of all children aged between 6.5 and 7.5 in the first grade has the same aim.
- Professional teams for inclusive education are formed on the level of all preschool institutions, elementary and secondary schools, whose task is to work on development and improvement of the measures for implementation and mechanisms for full inclusion of children. The first level of support to a student not achieving the expected results in education is provided through differentiation and individualisation of teaching and extracurricular activities. That level is mostly used in schools. If support given through individualisation does not yield positive results in a child's achievements (in general, during the first quarter of the school year), drafting of individual educational plan with adjusted programme is proposed (IEP 1 – adjustment of the method, material, space, conditions) according to which this child/student will continue with educational process. A professional team suggests drafting of an individual educational plan and the plan is actually drafted by a Team for providing support to such a student, consisting of a teacher, nursery teacher, parents, guardian and professional associate. If measures of support envisaged by the IEP-1 do not produce results, the Team for support to the child, with a consent of the child's parents and Inter-Ministerial Commission, starts working on the IEP-2 document, which means changes/reduction of the content, results and standards. The focus is on abandoning the model which puts accent on what children do not know and cannot do to the benefit of the approach directed towards the strengths, which focuses on knowledge and skills children do have.

- Children from sensitive groups are given support when taking the final exam at the end of elementary education, as well. According to the level of support they need, children are entitled to: taking the exam under specific conditions, adjustment of the existing tests to specific needs of a child or making special tests in line with the changed educational standards.
- On the local level, the inter-ministerial commissions have been formed for assessment of the needs for additional educational, health and social support for a child.
- A total of 174 pedagogical assistants are employed at schools and they have the role of intermediaries between parents and schools and provide additional pedagogical support to children; schools also have personal assistants/companions who represent support in the area of social protection, prescribed by the inter-ministerial commission and funded by the local self-government.
- The number of students in a class is reduced if that class also has children with disabilities, learning difficulties and/or from socially and economically jeopardised groups.[2]
- Children from sensitive groups are given support when taking the final exam and thus they are entitled to: taking the exam under specific conditions, adjustment of the existing tests to specific needs of a child or making special tests in line with the changed educational standards. Students from sensitive social groups receive support when enrolling in secondary schools too, and this support is in the form of professional orientation and directing to specific secondary schools and faculties.
- In the last six years competences of nursery teachers, teachers and professional assistants have been developed through various forms of horizontal learning and exchange of best practice experiences as well. One of innovative support mechanisms is the *Network for supporting inclusive education*, consisting of practitioners and experts from schools, ministries and civil society organisations and having an educational, advisory and supervisory role in the work with schools, teachers, nursery teachers, parents, children and inter-ministerial commissions. Special schools are getting a new role. They are included in pilot programmes; they work on the improvement of professional competence of the employees, identify children outside the educational system and involve them in education; they cooperate with preschool institutions and schools for the purpose of exchanging experiences and raising the quality of support for development and learning and establishing of the system for early support and timely beginning.
- The affirmative measures policy has been introduced in enrolment of students with disabilities in higher education in parallel with the affirmative measures for accommodation of students in student dormitories.
- The Law on Textbooks stipulates that students with disabilities shall use the textbooks whose format is adjusted to their needs and defines a teaching aid as teaching material used in the educational work with children with disabilities.

82. The Action Plan for inclusive education for the period 2015-2020 is in the verification stage and contains the following objectives: improvement of regulations in the area of inclusive education and social inclusion; development of the system of support for children and the youth through establishing efficient inter-ministerial cooperation; improvement of the competence of the staff in educational institutions for quality (inclusive) education; creation of inclusive surroundings for development, learning and

[2] The Annual Professional Guide on Forming Classes and the Manner of Financing in elementary and secondary schools has contained this provision since 2009.

participation; development and implementation of mechanisms for monitoring and assessing inclusive education.

Work and employment (Article 27)

Reply to the issues raised in paragraph 21 of the list of issues

83. The Law on Amendments to the Labour Law which entered into force on 29 July 2014 introduced the obligation of the employer to provide another appropriate job to an employee with health condition and an employee with disabilities who is not able to work on the tasks assigned according to the employment contract. If the employer is not able to provide a suitable duty to such employee, he may terminate the employee's employment contract based on redundancy but is obliged to pay to the employee a severance payment or ensure an appropriate job with another employer. The new solution is more favourable for this category of employees who were not entitled to severance payment in such cases before.

Reply to the issues raised in paragraph 22 of the list of issues

84. In line with the definition of a person with disabilities, the Law on Professional Rehabilitation and Employment of Disabled Persons establishes the procedure for assessment of work ability and potential for employment and retention of employment. The assessment of work ability is conducted in a manner which ensures respect for personality, dignity, as well as personal data protection (in all stages of the procedure) and includes medical, social and other criteria which establish the potential and abilities of a person with disabilities to participate in the labour market and perform the tasks either independently or with the assistance of a support service. The assessment of work ability is done by the commission of the expert authority by examining the overall condition of an individual and the situation in the labour market. After the assessment and according to the findings of the commission of the expert authority, an unemployed person with disabilities is involved in the active employment policy measures.

85. The assessment of work ability is conducted in line with the Law on Professional Rehabilitation and Employment of Persons with Disabilities and the Rulebook on the Manner, Deadlines and Criteria for Assessment of Work Ability and Potential for Employment and Retention of Employment of Persons with Disabilities.

86. In the period 1.6.2010-10.6.2014, a total of 21,957 decisions on the assessment of work ability have been adopted based on the submitted applications.

Adequate standard of living and social protection (Article 28)

Reply to the issues raised in paragraph 23 of the list of issues

87. The Law on Social Protection stipulates that a person who needs assistance and care of another person to satisfy his basic living needs, because of a physical or sensory impairment, intellectual difficulties or changes in health condition, can exercise the right to attendance allowance for assistance and care of another person. The need for attendance allowance is established based on the regulations on pension and disability insurance. The amount of attendance allowance is harmonised with the Consumer Price Index in the last six months, based on statistical data, twice a year – on 1 April and 1 October. Furthermore, the right to increased attendance allowance belongs to a beneficiary of attendance allowance for whom it was established that he has physical impairment or organic permanent disorder of neurological and psychical origin of 100% on the grounds of one or several impairments, if the level of impairment is equal to or bigger than 70% for at least two grounds.

88. The entitlement for care and assistance of another person, the right to increased allowance for care and assistance of another person and the right to use the services in the living centers and clubs for the care of children with disabilities, supported housing, free of charge public transport, subsidies on pay utilities, are realized regardless of property status of the family and are not conditioned by the property census. Also, the families in accordance with the regulations are entitled as energy protected consumers.

89. According to the Law on Social Protection, the right to assistance for occupational training includes support in education and training for work and is granted to children and young people with developmental impairments and adults with disabilities who, according to their psycho-physical abilities and age, can be trained for specific sort of work and are unable to exercise this right on other legal grounds. Assessment of the need for additional support in education is done in accordance with the regulations governing the foundations of the educational system and assessment of the potential for occupational training is done in accordance with the laws governing the area of professional rehabilitation and employment of persons with disabilities.

90. Special financial allowance for parents who have not acquired the right to pension and who have for at least 15 years personally taken care of a child with the most severe level of disability is paid when they reach the age for old-age pension, in form of a lifelong monthly income in the amount of the lowest pension. If a parent acquires the right to pension after acquiring the right to special financial allowance, he is allowed to choose between the pension and the allowance. According to the data from September 2015, the right to special financial allowance was exercised by 491 person, in the amount of RSD 13,288.01 each.

91. As regards the time off work to care for a child with developmental impairments, an employed parent has the right to take time off work for the purpose of taking care of a child or special care of a child until the child reaches the age of five, while he is entitled to wage allowances. If such parents are unemployed, in line with the regulations governing the area of employment, and if they are beneficiaries of financial allowance based on being unemployed, they continue to use this right during maternity, childcare and special childcare leave.

92. According to the Law on Financial Support to Families with Children, families of lower financial status who have a child with developmental impairments are entitled to children's allowance under more favourable conditions and in bigger amounts.

Participation in political and public life (Article 29)

Reply to the issues raised in paragraph 24 of the list of issues

93. The Law on the Election of Members of the Parliament establishes the process, procedure and election bodies, which regulate the election of MPs. Article 72 of this Law stipulates that the voter who is not able to vote personally at the polling station (blind, disabled or illiterate person) shall have the right to bring a person who shall fill the ballot in the manner determined by him, that is, vote instead of him. The manner of voting of the voter referred to in paragraph 1 of this Article shall be recorded in the minutes.

94. Furthermore, Article 72a says that the voter unable to vote at the polling station (a person unable or prevented from coming to the polling station) may inform the polling board whether he would like to vote, not later than 11 o'clock on the day of the voting. After that, three members of the polling board shall visit such a voter, verify his identity and give him an official envelope, an officially stamped ballot, the general electoral list, the certificate of suffrage and a special envelope for the completed ballot; they shall also inform the voter of the voting procedure, and then leave the room in which the voter votes.

95. After voting, the voter shall sign the certificate of suffrage, fold the ballot and place it in the special envelope, which shall then be stamped by members of the polling board

with a seal on a sealing wax, after which they shall place the signed certificate of suffrage and the special envelope containing the ballot in the official envelope.

96. The Republic Electoral Commission which conducts the republic elections, within its Rules of the Work of Polling Boards for conduction of elections for any elections in the Republic of Serbia, has in a separate section a heading which reads: "Special voting rules relevant for persons with disabilities and persons prevented from voting", and which very precisely stipulates the rules and conditions for a) persons unable to fill the ballot; b) persons unable to vote at the polling station.

97. Article 58 of the Law on Local Elections stipulates that the provisions of the Law on the Election of Members of Parliament on voters' registers, balloting material, appointment, informing the citizens on the candidates, ban on duration of election propaganda and announcement of early results or estimates of election results, voting, ascertaining and announcement of election results, tax and charge exemption for funds paid as fees for work of persons in electoral bodies and fines, shall accordingly apply to the election of councillors, unless provided for otherwise by this Law.

III. Specific obligations

Statistics and data collection (Article 31)

Reply to the issues raised in paragraph 25 of the list of issues

98. Respecting the needs of the Republic of Serbia for comprehensive quantitative and qualitative data on this sensitive group of citizens, as well as the provisions of the Strategy for Improvement of the Position of Persons with Disabilities in the Republic of Serbia for the period 2007-2015, the Statistical Office of the Republic of Serbia has decided to include the question on persons with disabilities in the census form. Conference of European Statisticians (*CES*) Recommendations for the 2010 Censuses, produced by the *UNECE* and Eurostat, as well as the Recommendations of the Washington Group on Disability Statistics, were used as guidelines for drafting the methodological instructions.

99. When the questionnaires were being made, representatives of the Ministry of Labour and Social Policy were consulted, since the position of persons with disabilities is within its scope of authorisations, as well as relevant civil society organisations.-At the initiative of the Ministry of Labour and Social Policy and the Centre for Independent Living of Persons with Disabilities, the question on the type of aid used by persons having a problem with walking/climbing the stairs was included in the form.

100. In May 2013, based on the final results of the 2011 Census, a book called "Disability" was published, about the population of the Republic of Serbia according to the status of disability and the sort of problems they have, up to the level of municipalities/towns. In addition to this, in December 2014 a multidisciplinary analytical study "Persons with Disabilities in Serbia" was published. The purpose of this study is to contribute to a better overview of the status and the level of social integration of persons with disabilities by analysing the demographic, educational, economic and other characteristics of these persons.

101. The publications are available both in paper and electronic form.[3] An android application was also made, and the data on persons with disabilities are available in form of *Excel* tables and in the dissemination database on the web page of the Office.

[3] www.stat.gov.rs and www.popis2011.stat.rs.

102. Monitoring and assessment of the effects of the active employment policy is done by the Ministry of Labour, Employment, Veteran and Social Policy either directly or in cooperation with the republic authorities responsible for the area of statistics, the National Employment Office and other stakeholders, who provide: 1. the data on the state of affairs and trends in the labour market; 2. monitoring of the successfulness of the programme and active employment policy measures.

103. As regards the statistical monitoring in the field of social protection, it is done through an analysis of annual reports on the work of institutions for accommodation of beneficiaries and centres for social work, as basic social welfare services in the community. Collection and processing of data is done by the Republic Institute for Social Protection.

104. In the last two years the institutions have been providing information on the implementation of additional obligatory work procedures, such as the prescribed procedures for statements and complaints of beneficiaries. Thus 87% of the institutions say they have written procedures for considering the complaints of beneficiaries, as well as defined written procedures for implementation of restrictive actions and measures. 80% of the institutions have an internal team for reacting in case of violence against beneficiaries.

105. For the last six years the institutions have been keeping the records of: physical abuse, sexual and emotional abuse, neglect and careless behaviour toward beneficiaries, exploitation of beneficiaries and the sorts of assailants. It was noted in some of the narrative reports that violence of beneficiaries against institution staff is also present, which is an aspect deserving more attention as well.

106. The process of licensing service providers is currently underway, and it is expected that since 2016 there will be a more comprehensive database on local services, which will also include the services provided within the framework of civil and private sector.

National implementation and monitoring (Article 33)

Reply to the issues raised in paragraph 26 of the list of issues[4]

107. The Council for Monitoring the Implementation of UN Human Rights Mechanism Recommendations was established in December 2014. The Council's responsibilities are: to review and monitor the implementation of recommendations received by the Republic of Serbia in the process of the Universal Periodic Review of the Human Rights Council of the United Nations and the recommendations of treaty bodies of the United Nations; to propose measures for the implementation of the recommendations received; to give opinions on the progress of human rights in the reporting period and to provide expert explanations about the state of human rights and the results achieved by applying the recommendations.

108. The Council of the Government of the Republic of Serbia to monitor the implementation of the Strategy for Prevention and Protection against Discrimination for the period from 2014 to 2018 was formed in August 2015. The Strategy is intended for prevention of discrimination and improvement of the status of nine vulnerable groups, including persons with disabilities, who are most commonly subject to discrimination. The task of the Council is to monitor progress in execution of the measures, implementation of the activities and meeting the established deadlines, and to warn timely of potential challenges in the implementation.

[4] Focal Point.